



PATENT  
ATTORNEY DOCKET NO. 04585/00200R

Certificate of Mailing: Date of Deposit: April 26, 2001

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Michelle P. Chicos

Printed name of person mailing correspondence

Michelle P. Chicos

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrew Goodearl et al.

Art Unit: 1647

Serial No.: 08/734,592

Examiner: S. Gucker

Filed: October 22, 1996

Customer No.: 21559

Title: GLIAL MITOGENIC FACTORS, THEIR PREPARATION AND USE

Assistant Commissioner for Patents  
Washington, D.C. 20231

AUG 09 2004  
TECH CENTER 1800/2800

TERMINAL DISCLAIMER UNDER §1.321 and 37 CFR §3.73(b)

Pursuant to 37 CFR §1.321(b) Cenex Pharmaceuticals, Inc., (formerly known as Cambridge NeuroScience, Inc., copy of Change of Name certificate attached) and Ludwig Institute for Cancer Research, the assignees of the entire right, title and interest in the above application seek to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 CFR §1.321(b)(1), this terminal disclaimer is signed by an attorney of record.

Pursuant to 37 CFR §1.321(b)(2), Cenes Pharmaceuticals, Inc., and Ludwig Institute for Cancer Research hereby waive and disclaim the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 5,602,096. Cenes Pharmaceuticals, Inc., and Ludwig Institute for Cancer Research do not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 5,602,096 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

Pursuant to 37 CFR §1.321(b)(3) and 37 CFR §3.73(b), the undersigned attorney of record certifies that Cenes Pharmaceuticals, Inc., and Ludwig Institute for Cancer Research, corporations, are the assignees of the entire right, title, and interest in the above application by virtue of:

- Assignments from the inventors of the patent application identified above. The assignment from inventors Andrew Goodearl, Paul Stroobant, Luisa Minghetti, Michael Waterfield, and Ian Hiles to Ludwig Institute for Cancer Research was recorded in the Patent and Trademark Office at Reel 6556, Frame 0263 on May 26, 1993. The assignment from inventors Mark Marchionni and Maio Su Chen to Cambridge NeuroScience was recorded in the Patent and Trademark Office at Reel 6556, Frame 0262 on May 26, 1993.

The undersigned attorney of record has reviewed all the documents in the chain of title of the above identified application and to the best of the undersigned's knowledge and belief, title is in Cenex Pharmaceuticals, Inc., and Ludwig Institute for Cancer Research.

Pursuant to 37 CFR §1.321(b)(4), enclosed is a check for \$40.00 for the fee set forth in 37 CFR §1.20(d).

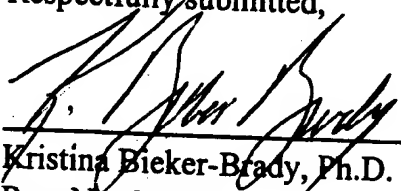
Further, pursuant to 37 CFR §1.321(c)(3), this terminal disclaimer is filed to obviate a double patenting rejection in the above patent application. Any patent granted on the above application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the rejection.

If there are any additional charges, or any credits, please apply them to Deposit Account Number 03-2095.

Respectfully submitted,

Date:

April 26, 2001

  
\_\_\_\_\_  
Kristina Bieker-Brady, Ph.D.  
Reg. No. 39,109

Clark & Elbing LLP  
176 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045



21559

PATENT TRADEMARK OFFICE